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www.doddsassociates.com

E-mail: j.dodds@doddsassociates.com

1707 N. St., NW, Washington DC 20036

Tel: (202) 463-3275 Cellular (202) 262-0199 Fax: (202) 463-3278

VIA EXPRESS MAIL

United States Department of Commerce
United States Patent and Trademark Office
Commissioner for Patents and Trademarks
Box Response- No Fee
Washington, D.C. 20231

RE: Application No. 10/076,291
Filing Date: 02/15/2002
Inventor: Mr. William K. Bowman, Jr.
Confirmation No.: 9952
Your Mail of 09/30/02
Attn. Mr. Hugh B. Thompson, Art Unit 3634
From: Dr. John Dodds: Phone (202) 463-3275: ZIP 20036

RECEIVED
DEC 3 X 2002
GROUP 3600

December 23, 2002

Dear Mr. Thompson,

With respect to your office action dated September 30, 2002, I am pleased on behalf of my client to respond to the matters therein:

Specification

1. Abstract- In compliance to the above office action, a new Abstract is enclosed to this response. Furthermore, I am enclosing a copy indicating the changes that have been inserted for your review. Please inform me should any other changes be deemed appropriate.

2. Disclosure- The Examiner objected to the disclosure on the grounds that there are no reference numerals for the elements of the drawings, and requested appropriate correction. I enclose a new disclosure inserting the reference numerals from the new drawings submitted in compliance to the above office action. In addition, I enclose a copy indicating the changes that have been inserted in the text. Please indicate to me should any other changes be required for the disclosure.

3. The guidelines for the preferred layout and content for the patent application have been used for the amended specification enclosed to this response.

Drawings

4. With respect to the drawings, new drawings are submitted with this response. In compliance with the office action, these drawings have labeled figures and reference numerals to indicate the elements of the invention.

5. The drawings were objected under 37 CFR 1.83(a). In compliance to the office action, the drawings herein enclosed show every feature of the invention specified in the claims. The threaded screw mechanism is illustrated in Figure 2; the slide tube mechanism in Figure 3; the spring loaded mechanism in Figure 4; the hydraulic mechanism in Figure 5.

Claim Rejections

6-13. With respect to the claim rejections, the claims have been amended and are enclosed to this response. In addition, I am enclosing a copy of the changes inserted.

14-18. Claim rejections under 35 U.S.C. § 103 are discussed below.

15-16. Claims 1,3,4,6-8 and 10-14 are rejected under 35 U.S.C. 103(a) for they have been considered unpatentable over Dempsey #3,861,500 in view of Hooten #5,031,723. These inventions are not the same to my client's invention. Dempsey #3,861,500 discloses a ladder leveler, and my client's invention is a telescopic leg ladder which may have several embodiments, one of which is a slide tube mechanism. In addition, this patented invention has U-shaped legs and does not have pads on the upper edges of the ladder's vertical legs, unlike my client's invention. In addition, the Examiner indicated in the office action that Dempsey failed to disclose components made of fiberglass and a rung attached holding means, unlike my client's patent. Therefore, the Dempsey invention is different from the invention subject of Mr. Bowman's application.

With respect to Hooten #5,031,723, this patented invention is just a ladder accessory to hang tools. The Bowman invention is a telescopic leg ladder that includes a mechanism that will allow objects such as paint cans and tools to be hung from it. It comprises a vertical rod that may be slid into the insides of a rung of the ladder at user's preference. This invention is not disclosed in the referred Hooten patent. Moreover, combining the above two references (Dempsey and Hooten) does not render the Bowman invention obvious to someone skilled in the art because if that were so, my client's invention would already be present in the prior art and/or in the ladder market and that is not so. The Dempsey patent was issued in 1975 and the Hooten patent in 1991. Therefore, if my client's invention was obvious to someone skilled in the pertinent art, it would have been developed and introduced into the prior art and/or market many years ago. On the contrary, since it was not obvious to someone skilled in the pertinent art, my client's invention is not obvious and complies with the novelty standard under Patent

15-16
Claims
require
a shape

Law. Therefore, I respectfully request that the abovementioned claims of my client's application be allowed.


17. The Examiner has rejected Claims 9 and 15 under 35 U.S.C. 103(a) as being unpatentable over Dempsey in view of Hooten as applied to the claims referred to in number 15 & 16 of this response, and further in view of Murphy #5,950,761 for the latter patent teaches the utility of ladder components which may be made of fiberglass or plastics for they provide light weight yet durable ladders. Therefore, the Examiner contends that my client's invention would have been obvious to someone skilled in the art in view of the abovementioned patents. The Murphy patent for an end cap for structural member and method was issued in the year 1999. As previously argued in favor of my client's invention, if his telescopic leg ladder as disclosed in Claims 9 and 15 had been obvious to someone skilled in the pertinent art over Dempsey in view of Hooten and Murphy, then it would be already be present in the prior art and/or in the market. Although the invention is special and useful, the fact that it is not in the prior art nor in the market is proof that it was not obvious for someone skilled in the pertinent art. For this reason, this is a new invention conceptualized and reduced to practice by my client, meeting the patentability standard of novelty and non-obviousness. Therefore, I respectfully request that the abovementioned claims of my client's application be allowed.

18. The Examiner has rejected Claim 2 under 35 U.S.C. 103(a) considering it to be unpatentable over Dempsey in view of Hooten as referred to hereinabove and further in view of Planck et al #4,029,174. The Examiner stated that Dempsey failed to disclose a threaded telescopic leg and rubber foot pad; and that Planck et al teach the utility of a

threaded telescopic leg assembly having a rubber foot pad. Again, the Planck et al patent was issued several years ago (1977) and therefore, if the Examiner's arguments were correct, then my client's invention as disclosed in Claim 2 would already be in the market or present in the prior art. The fact that it is not is evidence that my client's invention meets the novelty and non obviousness standards under Patent Law.

Now, therefore, I respectfully request that you consider the amended patent application of the telescopic leg ladder invention with its amended disclosure/specification, drawings and abstract for purposes of issuing a patent for my client. Please indicate to me should any other amendments be required.

Yours truly,

A handwritten signature in cursive script, appearing to read "John Dodds".

John Dodds
Patent Attorney

Cc: File
Mr. Bowman